

EXHIBIT 2



IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA } S.S.
CLEVELAND COUNTY }

FILED

JUN 10 2019

DESHAWN A. SYKES

Plaintiff,

vs.

NATHAN G. BERGERHOUSE, and
C.R. ENGLAND, INC

Defendant.

Case No.

CJ-2019-727

In the office of the
Court Clerk MARILYN WILLIAMS

PETITION

COMES NOW the Plaintiff, Deshawn A. Sykes, for his cause of action against the Defendants, Nathan G. Bergerhouse and C.R. England, Inc., and states as follows:

1. The subject of this suit is a motor vehicle wreck which occurred on or about December 20, 2017, in Oklahoma City, Oklahoma, Canadian County.
2. Plaintiff resides in Oklahoma and incurred damages in Cleveland County.
3. Defendant Bergerhouse is a resident of Iowa.
4. Defendant C.R. England, Inc. is a Utah Corporation which does business all throughout the United States, including in Cleveland County, Oklahoma.
5. This Court has jurisdiction over the subject matter of the suit and venue is proper in Cleveland County pursuant to 12 O.S. § 141.
6. The Defendant Nathan Bergerhouse caused a collision with the vehicle Plaintiff was driving by one or more of the following ways:
 - a. Failing to devote full time and attention to driving;
 - b. By driving distracted;
 - c. Improperly changing lanes;

- d. Improper starting from a stop;
 - e. Failing to comply with traffic control devices;
 - f. Other actions or failures to act which may be enumerated through the course of this suit which all constitute negligence.
7. At the time of the subject wreck, Defendant Bergerhouse was working under his scope and duty of employment with Defendant C.R. England, Inc.
8. Defendant C.R. England is responsible for the negligent actions of its employee, Defendant Bergerhouse.
9. Defendant C.R. England negligently contributed to the cause of the wreck by one or more of the following ways:
- a. Failing to properly train its employee, Defendant Bergerhouse;
 - b. By failing to maintain a safe driving environment for Defendant Bergerhouse;
 - c. By allowing Defendant Bergerhouse to drive in a distracted environment;
 - d. By failing to comply with State and Federal laws and regulations which will be enumerated as discovery continues.
10. Distracted driving is illegal in the State of Oklahoma and known to be exceptionally dangerous in Oklahoma and in the United States. *See* 47 O.S. §11-901b, 11-901d; *Oklahoma Driver's Manual*, Oklahoma Department of Public Safety, (2014) at 12-3; *The impact of hand-held and hand-free cell phone use on driving performance and safety-critical event risk*, Fitch, G.A., et al (April 2013), National Highway Traffic Safety Administration, Washington, D.C. (finding that engaging in visual-manual subtasks associated with the use of hand-held phones and other portable devices increases the risk of getting into a car crash by three times.)

11. As a result of the Defendant's actions the Plaintiff suffered damages as follows:

- a. Medical expenses incurred and expected to be incurred in the future;
- b. Mental and physical pain and suffering, past and future;
- c. Other damages to be set forth after discovery; all of which exceed \$75,000.00.

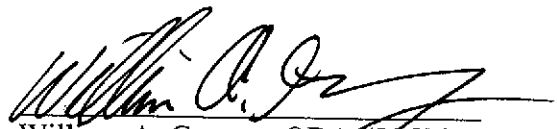
12. By driving distracted it is clear and convincing that Defendant Bergerhouse had a reckless disregard for the safety of the public and punitive damages should be awarded in favor of Plaintiff in an amount in excess of \$75,000.00.

13. By allowing its driver to drive distracted it is clear and convincing that Defendant C.R. England recklessly disregarded the safety of the public at large and punitive damages should be awarded in favor of the Plaintiff in an amount in excess of \$75,000.00.

WHEREFORE, Plaintiff prays for judgment against the Defendants as set forth above with his costs, attorney's fees, interest and other such relief the Court shall deem proper.

RESPECTFULLY SUBMITTED,

WEST ♦ YLLA ♦ GOSNEY



William A. Gosney, OBA #22573
8 S.W. 89th Street, Suite 200
Oklahoma City, OK 73139
(405) 378-8132 Phone
(405) 378-0711 Fax
wgosney@wyglawfirm.com
Attorneys for Plaintiff

Attorneys' Lien Claimed